

In re Patent Application of:
SCHNEIDER ET AL
Serial No. 09/910,707
Filed: JULY 20, 2001

REMARKS

The notice of allowable subject matter in Claims 6, 9-24, 27, 29-36, 38-40 and 42-45 is gratefully appreciated. However, in view of the manner in which the application has been amended to clarify distinctions between the present invention and the prior art, favorable consideration of all the claims currently presented is respectfully requested.

As noted above, applicants have supplied previously missing page 24 which was inadvertently not included with the application as originally filed.

Page 24 contains a description associated with Figures 5 and 6 which is believed to be self-evident from the figures themselves, as well as the accompanying remainder text associated with Figures 5 and 6. In addition, the description therein is supported by the brief description of the invention under the heading "Summary of the Invention", as noted. No new matter is involved. Entry of page 24 into the specification is, accordingly, earnestly solicited.

The objection to the specification in item 1 on page 2 of the outstanding office action with respect to the allegedly missing application numbers is respectfully traversed.

By preliminary amendment filed January 9, 2002, application numbers of the associated Ballard et al and Zakrzewski et al applications were supplied. Withdrawal of the objections to the specification are earnestly solicited.

The rejection of Claims 1-5, 7, 8, 25, 26, 28, 37 and 41, under the provisions of 35 U.S.C. 102, as allegedly being anticipated by the patent to White et al, 6,731,678, as set forth

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on pages 2-7 of the outstanding office action is respectfully traversed.

As can be seen from the foregoing amendments to the claims, each of the independent claims has been amended to underscore an aspect of the invention that is not taught or suggested in White et al.

Specifically, applicants' claims recite a communication system in which an upstream site transceiver is configured to process a downstream ADSL signal with a downstream POTS signal into a composite downstream digitally modulated signal having a modulation exclusive of the ADSL signal for transmission over the communication link to the downstream site.

This is accomplished in accordance with the present invention by the ALEC as shown at 120 in Figure 3, and in greater detail in Figure 4 of the drawings of the present application. As a result of this functionality, the present invention produces a single bit stream in which both a digitized POTS signal and the digitized communications signal are combined into a single bit stream for transmission over the (SDSL) communication link.

In contrast therewith, the system described in the patent to White et al relies on frequency separation to transmit a standard analog POTS signal which is coupled through a splitter 38 in the downstream direction so as to be superimposed with the digital communication signal provided by a respective ATU-C. The digital communication signal is an ADSL signal.

White et al do not disclose a composite digitally modulated communication signal in which both the POTS signal and the data communication signal are digitally modulated into a composite digital stream, on the one hand, and White et al also fail to

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disclose the use of an SDSL communication link between the upstream and downstream sites. As these features are recited in each of the amendments to independent Claims 1, 25, 37 and 41, it is respectfully submitted that these claims as well as the remaining rejected claims dependent thereon, are patentably distinct from the communications system described the patent to White et al.

Applicants have also placed the objected to claims in self-contained form, so that these claims, per se, are believed to be in condition for allowance.


With the submission of the inadvertently omitted page 24 of the specification, the fact that the specification has been previously amended to supply the application serial numbers to the Ballard et al and Zakrzewski et al applications, and with the foregoing amendments to the rejected independent claims, it is respectfully submitted that the present application is in condition for allowance. A notice to that effect, is, accordingly, earnestly solicited.

Should any minor informalities need to be addressed, the Examiner is encouraged to contact the undersigned attorney at the telephone number listed below.

Please charge any shortage in fees due in connection with the filing of this paper, including Extension of Time fees, to Deposit Account No. 01-0484 and please credit any excess fees to such deposit account.

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Respectfully submitted,



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CERTIFICATE OF FACSIMILE TRANSMISSION

I HEREBY CERTIFY that the foregoing correspondence has been forwarded via facsimile number 703-872-9306 to MAIL STOP AMENDMENT, COMMISSIONER FOR PATENTS, this 5 day of July 2005.